

HOUSE BILL No. 1278

DIGEST OF INTRODUCED BILL

Citations Affected: IC 5-2-14; IC 33-19.

Synopsis: Regional law enforcement training fee and funds. Establishes a regional law enforcement training fee and regional law enforcement training fund for each region served by a regional law enforcement training council formed before January 1, 2002. Establishes a \$2 fee to be collected in cases in which a person commits a crime or an infraction, or violates an ordinance. Requires the fees to be distributed to the council serving the region. Requires a council to use regional law enforcement training funds solely for training of law enforcement officers who work for an agency or department that is wholly or predominantly within the geographic region of the council.

Effective: July 1, 2002.

Stevenson, Dumezich

January 14, 2002, read first time and referred to Committee on Courts and Criminal Code.

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Introduced

Second Regular Session 112th General Assembly (2002)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2001 General Assembly.

HOUSE BILL No. 1278

A BILL FOR AN ACT to amend the Indiana Code concerning courts and court officers.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 5-2-14 IS ADDED TO THE INDIANA CODE AS
2 A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY
3 1, 2002]:

4 **Chapter 14. Regional Law Enforcement Training Funds**

5 **Sec. 1. As used in this chapter, "regional law enforcement**
6 **training council" means a council formed before January 1, 2002,**
7 **that:**

- 8 (1) consists of representatives from law enforcement agencies;
9 (2) serves a specified geographic area in Indiana; and
10 (3) provides specialized training described in IC 5-2-1-9 for
11 law enforcement officers and law enforcement agencies in the
12 geographic region.

13 **Sec. 2. (a) A regional law enforcement training fund is**
14 **established for each regional law enforcement training council**
15 **formed before January 1, 2002, to assist in training law**
16 **enforcement officers in the geographic region served by the**
17 **regional law enforcement training council. Each fund consists of**

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1 regional law enforcement training fees collected under
 2 IC 33-19-6-22 in a city, town, or county that is wholly or
 3 predominantly within the geographic boundaries of the regional
 4 law enforcement training council.

5 (b) Each regional law enforcement training council shall
 6 administer its own regional law enforcement training fund. The
 7 cost of administering a fund shall be paid from money in the fund.

8 Sec. 3. Each regional law enforcement training council shall, in
 9 accordance with IC 33-19-8, submit monthly claims under oath to:

- 10 (1) the fiscal officer of a city or town; and
 11 (2) the auditor of a county;

12 that wholly or predominantly fall within the geographic
 13 boundaries of the regional law enforcement training council, for
 14 the amount collected as regional law enforcement training fees and
 15 deposited in a local user fee fund under IC 33-19-8.

16 Sec. 4. Appropriations from a regional law enforcement training
 17 fund to a regional law enforcement training council may be used
 18 only for training law enforcement officers who work in an agency
 19 or department whose jurisdiction falls wholly or predominantly
 20 within the geographic boundaries of a regional law enforcement
 21 training council.

22 SECTION 2. IC 33-19-5-1, AS AMENDED BY P.L.183-2001,
 23 SECTION 4, AND AS AMENDED BY P.L.280-2001, SECTION 18,
 24 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1,
 25 2002]: Sec. 1. (a) For each action that results in a felony conviction
 26 under IC 35-50-2 or a misdemeanor conviction under IC 35-50-3, the
 27 clerk shall collect from the defendant a criminal costs fee of one
 28 hundred twenty dollars (\$120).

29 (b) In addition to the criminal costs fee collected under this section,
 30 the clerk shall collect from the defendant the following fees if they are
 31 required under IC 33-19-6:

- 32 (1) A document fee.
 33 (2) A marijuana eradication program fee.
 34 (3) An alcohol and drug services program user fee.
 35 (4) A law enforcement continuing education program fee.
 36 (5) A drug abuse, prosecution, interdiction, and correction fee.
 37 (6) An alcohol and drug countermeasures fee.
 38 (7) A child abuse prevention fee.
 39 (8) A domestic violence prevention and treatment fee.
 40 (9) A highway work zone fee.
 41 (10) A deferred prosecution fee (IC 33-19-6-16.2).
 42 ~~(11) A judicial salaries fee (IC 33-19-6-18).~~



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~~(12)~~ (11) A document storage fee (IC 33-19-6-18.1).

~~(13)~~ (12) An automated record keeping fee (IC 33-19-6-19).

~~(14)~~ (13) A late payment fee (IC 33-19-6-20).

~~(15)~~ (14) A sexual assault victims assistance fee (IC 33-19-6-21).

(15) A regional law enforcement training fee (IC 33-19-6-22).

(c) Instead of the criminal costs fee prescribed by this section, the clerk shall collect a pretrial diversion program fee if an agreement between the prosecuting attorney and the accused person entered into under IC 33-14-1-7 requires payment of those fees by the accused person. The pretrial diversion program fee is:

(1) an initial user's fee of fifty dollars (\$50); and

(2) a monthly user's fee of ten dollars (\$10) for each month that the person remains in the pretrial diversion program.

(d) The clerk shall transfer to the county auditor or city or town fiscal officer the following fees, within thirty (30) days after they are collected, for deposit by the auditor or fiscal officer in the appropriate user fee fund established under IC 33-19-8:

(1) The pretrial diversion fee.

(2) The marijuana eradication program fee.

(3) The alcohol and drug services program user fee.

(4) The law enforcement continuing education program fee.

(5) The regional law enforcement training fee.

(e) Unless otherwise directed by a court, if a clerk collects only part of a criminal costs fee from a defendant under this section, the clerk shall distribute the partial payment of the criminal costs fee as follows:

(1) First, the clerk shall apply the partial payment to general court costs.

(2) Second, if there is money remaining after the partial payment is applied to general court costs under subdivision (1), the clerk shall distribute the partial payment for deposit in the appropriate county user fee fund.

(3) Third, if there is money remaining after distribution under subdivision (2), the clerk shall distribute the partial payment for deposit in the state user fee fund.

(4) Fourth, if there is money remaining after distribution under subdivision (3), the clerk shall distribute the partial payment to any other applicable user fee fund.

(5) Fifth, if there is money remaining after distribution under subdivision (4), the clerk shall apply the partial payment to any outstanding fines owed by the defendant.

SECTION 3. IC 33-19-5-2, AS AMENDED BY P.L.1-2001, SECTION 35, AS AMENDED BY P.L.183-2001, SECTION 5, AND



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AS AMENDED BY P.L.280-2001, SECTION 19, IS AMENDED AND
CORRECTED TO READ AS FOLLOWS: Sec. 2. (a) Except as
provided in subsections (d) and (e), for each action that results in a
judgment:

- (1) for a violation constituting an infraction; or
- (2) for a violation of an ordinance of a municipal corporation (as
defined in IC 36-1-2-10);

the clerk shall collect from the defendant an infraction or ordinance
violation costs fee of seventy dollars (\$70).

(b) In addition to the infraction or ordinance violation costs fee
collected under this section, the clerk shall collect from the defendant
the following fees if they are required under IC 33-19-6:

- (1) A document fee (*IC 33-19-6-1, IC 33-19-6-2, IC 33-19-6-3*).
- (2) An alcohol and drug services program user fee (*IC
33-19-6-7(b)*).
- (3) A law enforcement continuing education program fee (*IC
33-19-6-7(c)*).
- (4) An alcohol and drug countermeasures fee (*IC 33-19-6-10*).
- (5) A highway work zone fee (*IC 33-19-6-14*).
- (6) A deferred prosecution fee (*IC 33-19-6-16.2*).
- (7) A jury fee (*IC 33-19-6-17*).
- ~~(7) A judicial salaries fee (*IC 33-19-6-18*).~~
- ~~(8) A document storage fee (*IC 33-19-6-18.1*).~~
- ~~(9) An automated record keeping fee (*IC 33-19-6-19*).~~
- ~~(10) A late payment fee (*IC 33-19-6-20*).~~

(11) A regional law enforcement training fee (IC 33-19-6-22).

(c) The clerk shall transfer to the county auditor or fiscal officer of
the municipal corporation the following fees, within thirty (30) days
after they are collected, for deposit by the auditor or fiscal officer in the
user fee fund established under IC 33-19-8:

- (1) The alcohol and drug services program user fee.
- (2) The law enforcement continuing education program fee.
- (3) The deferral program fee.

(4) The regional law enforcement training fee.

(d) The defendant is not liable for any ordinance violation costs fee
in an action in which:

- (1) the defendant was charged with an ordinance violation subject
to IC 33-6-3;
- (2) the defendant denied the violation under IC 33-6-3-2;
- (3) proceedings in court against the defendant were initiated
under IC 34-28-5 (or IC 34-4-32 before its repeal); and
- (4) the defendant was tried and the court entered judgment for the

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defendant for the violation.

(e) Instead of the infraction or ordinance violation costs fee prescribed by subsection (a), the clerk shall collect a deferral program fee if an agreement between a prosecuting attorney or an attorney for a municipal corporation and the person charged with a violation entered into under IC 34-28-5-1 (or IC 34-4-32-1 before its repeal) requires payment of those fees by the person charged with the violation. The deferral program fee is:

- (1) an initial user's fee not to exceed fifty-two dollars (\$52); and
- (2) a monthly user's fee not to exceed ten dollars (\$10) for each month the person remains in the deferral program.

SECTION 4. IC 33-19-6-22 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2002]: **Sec. 22. (a) This section applies to criminal, infraction, and ordinance violation actions.**

(b) In an action in which a person is found to have:

- (1) committed a crime;**
- (2) violated a statute defining an infraction; or**
- (3) violated an ordinance;**

the clerk shall collect a regional law enforcement training fee of two dollars (\$2) if the clerk is authorized to do so under IC 5-2-14-2. The clerk of a city or town court shall transfer a fee collected under this section to the fiscal officer of the city or town for deposit in the city or town user fee fund established by IC 33-19-8-3. The clerk of a circuit, superior, or county court shall transfer a fee collected under this section to the county auditor for deposit in the county user fee fund established by IC 33-19-8-5.

SECTION 5. IC 33-19-8-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2002]: **Sec. 3. (a) A city or town user fee fund is established in each city or town having a city or town court for the purpose of supplementing the cost of various program services. The city or town fund shall be administered by the fiscal officer of the city or town.**

(b) The city or town fund consists of the following fees collected by a clerk under this article:

- (1) The pretrial diversion program fee.**
- (2) The alcohol and drug services fee.**
- (3) The law enforcement continuing education program fee.**
- (4) The deferral program fee.**

(5) The regional law enforcement training fee.

SECTION 6. IC 33-19-8-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2002]: **Sec. 5. (a) A county user fee**

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1 fund is established in each county for the purpose of financing various
 2 program services. The county fund shall be administered by the county
 3 auditor.

4 (b) The county fund consists of the following fees collected by a
 5 clerk under this article, and by the probation department for the
 6 juvenile court under IC 31-34-8-8 or IC 31-37-9-9:

- 7 (1) The pretrial diversion program fee.
- 8 (2) The informal adjustment program fee.
- 9 (3) The marijuana eradication program fee.
- 10 (4) The alcohol and drug services program fee.
- 11 (5) The law enforcement continuing education program fee.
- 12 (6) The deferral program fee.
- 13 (7) The jury fee.

14 **(8) The regional law enforcement training fee.**

15 (c) All of the jury fee and two dollars (\$2) of every deferral program
 16 fee collected under IC 33-19-5-2(e) shall be deposited by the county
 17 auditor in the jury pay fund under IC 33-19-10.

18 SECTION 7. IC 33-19-8-9 IS ADDED TO THE INDIANA CODE
 19 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
 20 1, 2002]: **Sec. 9. (a) This section applies to regional law enforcement
 21 training fees collected under IC 33-19-6-22.**

22 **(b) Upon receipt of monthly claims from regional law
 23 enforcement training councils, the auditor of a county or fiscal
 24 officer of a city or town shall distribute the regional law
 25 enforcement training fees deposited in city or town user fee funds
 26 or county user fee funds to the appropriate regional law
 27 enforcement training fund.**

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